

REMARKS

By virtue of the filing of the attached RCE, Applicants request that the Examiner enter the Rule 116 Response and Amendment filed on December 3, 2004, which the Examiner noted in the Advisory Action raised new issues requiring further consideration and/or search.

After entry of this paper, claims 1-11, 14, and 25-40 are pending. Claims 1, 8, and 28 are amended to correct minor clerical errors. Claims 29-40 are supported in the originally filed specification and claims and specifically on page 34, lines 8-15. No new matter is added by this amendment.

Further Comments on the 35 USC 103(a) Rejections

The Examiner commented in the Advisory Action dated January 26, 2005 that Applicants statement, i.e., "the combination of '570 with Gast does not suggest the selection of the specifically claimed compounds of formula I or II as recited in claims 1-11, 14-16, and 25-28 and a selective estrogen receptor modulator", does not specifically point out how the language of the claims is patentably distinguished from '570 and Gast.

Applicants respectfully request reconsideration and withdrawal of this rejection for the following reasons.

As previously noted, Applicants' invention differs from any combination of '570 and Gast since neither '570 nor Gast teach or suggest the specific compounds as defined in claims 1-11, 14, and 25-28 of Applicants' invention. Therefore, since neither of these documents alone or in combination teach or suggest the specific compounds defined in claims 1-11, 14, and 25-28, they cannot possibly teach or suggest methods of inducing contraception using such specific compounds.

Further, new claims 29-40 provide contraceptive regimens including the periodic and discontinuous delivery of a compound of formula I or formula II. Such regimens are not taught in any combination of '570 and Gast.

Reconsideration of this rejection is requested.



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The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or during the pendency of this application, or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

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